



UNITED STATES POSTAL INSPECTION SERVICE

OFFICE OF COUNSEL

September 10, 2013

Mr. Rich Jones
MuckRock News
Dept. MR 5970
Post Office Box 55819
Boston, MA 02205-5819

FOIA #2013-FOIA-00251

Dear Mr. Jones:

This is in reference to your June 13, 2013, Freedom of Information Act (FOIA) request for access to all mail covers from external law enforcement agencies, letters sent to the USPS and the CISC manager between August 2005 and June 2013, as well as related documents, notes and processing.

The FOIA permits agencies to charge fair and equitable fees to recover the costs of furnishing records to the public. Fees are established in accordance with uniform agency guidelines provided by the Office of Management and Budget and calculated in accordance with our fee regulations at section 265.9 of Title 39, Code of Federal Regulations. These regulations establish four categories of requesters: commercial, educational, media and all other requesters.

We consider that you are within the category of "other requesters" as defined by the above Postal Service FOIA fee regulations. This category applies to requesters who are not commercial use requesters, educational or scientific requesters, or news media requesters. Requests in the "other" category are entitled to two free hours of search time and 100 pages of free duplication. Fees totaling less than \$10 are waived. Requesters are notified in advance of all costs expected to exceed \$25.00 if they have not indicated their willingness to accept costs that may be incurred in processing their request. We note that in your letter you ask to be treated as a news media representative "...as part of the public information service at MuckRock.com" and you request that fees be waived. Although you submitted your request through MuckRock.com, a website which serves as a request proxy, you have not demonstrated how you are actively gathering news for an entity that disseminates news to the public.

In response to your request for a waiver of fees, we decline your request for a fee waiver. Postal regulations governing the waiver of fees (section 265.9(g)(3) of

Title 39, Code of Federal Regulations) permit waiver of a fee when it is determined that furnishing the records is deemed to be in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the federal government and is not primarily in the commercial interest of the requester.

Postal Service regulations found at Section 4-2.3, Handbook AS-353, *Guide to Privacy, the FOIA, and Records Management*, permit a requester to ask that fees or the advance payment of fees be waived in whole or in part. The waiver request must describe all of the following: how the information will be used; to whom it will be provided, including the public; how the public is to benefit from the disclosure; any personal or commercial benefit that the requester expects from disclosure; and the intended user's identity, qualifications, and expertise in the subject.

You have not fully explained how the information will be used, how the public is to benefit from the disclosure, or your qualifications or expertise in the subject. While we do not believe that providing you with access to these records would further any commercial interest of yours, neither do we believe that furnishing it would further public understanding of the operations or activities of the Postal Service. Furtherance of public understanding depends on a number of factors, one of which is that the disclosure must contribute to the understanding of the public at large, as opposed to a small segment of the population. There is no evidence that disclosure would benefit the public at large.

You are advised that this request qualifies for "unusual circumstances" and involves voluminous records requiring consultation among a number of other agencies. Specifically, your request comprises 75,315 mail covers. The average number of pages in any given mail cover file may vary from less than 50 to over 1,000 pages. Based on the number of mail covers responsive to your request, I have calculated an average of 40 pages per mail cover for a total of 3,012,600 pages to be processed, minus the 100 free pages, for a total of: 3,012,500 pages x \$.15 per page = \$451,875.00 (as a current estimate only).

Because the cost of processing your request will exceed \$250.00, we require at least 50 percent advance payment with your written agreement to accept any assessable costs incurred. Accordingly, you would need to submit your check or money order in the amount of \$225,937.50 made payable to the "U.S. Postal Service" before any processing of your request can begin. Upon receipt of your deposit and written agreement to accept all actual costs incurred, we will proceed with processing your request. However, we must caution you that you are liable for the full fee if it is determined to be greater than the estimate, and even if certain portions of the requested records are withheld in accordance with the FOIA exemptions found at 5 U.S.C. 552(b)(1)-(9) and our regulations.

In addition, please be advised that it is likely that, even if you are willing to wait and pay these fees, the responsive records would be so heavily redacted that they

would serve no meaningful value. The information you are requesting is covered by: Exemptions 552(b)(7)(C), which permits the withholding of records or information compiled for law enforcement purposes, the release of which could constitute an unwarranted invasion of the personal privacy of third parties; and Exemption 552(b)(7)(E), where disclosure would reveal techniques and procedures for law enforcement investigations or prosecutions. Mail covers, by definition, reveal names and addresses of individuals; these would have to be redacted before release to you. Also note that we would need to consult with the various federal, state, and local law enforcement authorities which requested these mail covers to consider objections they might have to release of any mail cover information – for example, there are probably many mail cover investigations involving open criminal investigations, the details of which must remain undisclosed.

It may be useful to your understanding of the FOIA process for this particular request, to provide you with a single, redacted mail cover as a “sample” of what you would likely receive were you to pay the appropriate fees and we were to undertake a full search for and review of all responsive records. If you are interested in this “sample” approach, please advise this office within fifteen (15) days of the date of this letter.

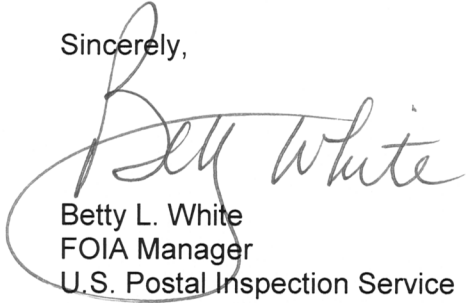
Finally, note that the Postal Service separates requests into simple and complex requests. Complex requests customarily involve handling hundreds or thousands of pages of documentary materials. While the two-track system expedites simple requests and identifies those matters which will be more difficult and time-consuming, on each track the Postal Service attempts to proceed on a strictly first-in, first-out basis. Your request has been placed in the complex queue and in chronological order based on the date of receipt and will be handled as expeditiously as possible.

You may write us and narrow the scope of your request for specific documents in order to receive a more timely response and to reduce costs, or you may expect that the processing of your request may take year(s) from the date of this letter. If we do not hear back from you within 20 working days from the date of this letter, we will assume you do not wish to incur costs to process your request, and we will administratively close out this request.

You have the right to appeal this response by writing to the **General Counsel, U.S. Postal Service, 475 L'Enfant Plaza, SW, Washington, DC 20260-1135**, within 30 days of the date of this letter. The letter of appeal should include statements concerning this response, the reasons why it is believed to be

erroneous, and the relief sought, along with copies of your original request, this letter, and any other related correspondence.

Sincerely,

A handwritten signature in cursive script, reading "Betty White". The signature is written in dark ink and is positioned above the printed name and title.

Betty L. White
FOIA Manager
U.S. Postal Inspection Service
475 L'Enfant Plaza, SW, Room 3301
Washington, DC 20260-2101